

Members

Rep. Robert Bischoff, Chair
Rep. Paul Robertson
Rep. Robert Cherry
Rep. Dan Leonard
Sen. Robert Jackman
Sen. Greg Walker
Sen. James Lewis
Sen. Richard Young



NATURAL RESOURCES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Bernadette Bartlett, Fiscal Analyst for the
Committee
Steven Wenning, Attorney for the Committee

Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: October 3, 2007
Meeting Time: 1:00 P.M.
Meeting Place: Abe Martin Lodge
Brown County State Park
Meeting City: Nashville, Indiana
Meeting Number: 3

Members Present: Rep. Robert Bischoff, Chair; Rep. Paul Robertson; Rep. Dan Leonard; Rep. Robert Cherry; Sen. Richard Young; Sen. James Lewis; Sen. Robert Jackman; Sen. Greg Walker.

Members Absent: Rep. Robert Cherry (10-3); Sen. Richard Young (10-4); Sen. James Lewis (10-4).

Call to Order. Rep. Bischoff, Chair of the committee, called the meeting to order.

Archeology and Burial Grounds. Rep. Matt Pierce proposed changes to the statute governing archeological finds and burial grounds. He proposed establishing a fund that would provide assistance to homeowners who accidentally find artifacts. He also proposed streamlining the review process through updated technology and digital maps. He suggested enforcement enhancements to cover looting of prehistoric remains. Also, he recommended changing the year from 1816 to 1870 in the definition of an artifact, which would include artifacts from pioneer and civil war sites. He also proposed a technical change concerning the definition of a conservation officer.

Karie Brudis, Department of Natural Resources (DNR) Division of Historic Preservation and Archeology, explained the progress the DNR has made in terms of providing digital records. In April 2007, the DNR began converting paper records to a digital format. The DNR hopes to complete the process by December 2007. The database is an Internet-based GIS system. Cheryl Munson, Indiana State Archeology Council, indicated that she had supported similar

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

proposals for several years. Such a proposal would provide safeguards to insure that finding artifacts such as arrow heads will not stop projects. Roger Stevens, Indiana Builders Association, liked the basic bill, noting that his association's concerns were being addressed.

Coyote Population and the Hunting and Selling of Live Coyotes for Dog Running. Michael Crider, Director of the DNR Division of Law Enforcement, explained that a law was passed that allowed taking coyotes year round. However, trappers have been capturing coyotes and shipping live coyotes to other states. Undercover operations seized one shipment of coyotes that contained over 33 different pathogens, such as tapeworms, parasites, rabies, parvo, etc. A proposed new rule would define what can happen to coyotes that are trapped and define "take". The DNR would prefer that the animals be disposed of humanely within 24 hours. The hearing process for the proposed rule has begun. The DNR will hold three public hearings. Laws governing the taking of coyotes between the summer and winter seasons appear to be in conflict. Coyotes are transferred to other states or locations and used in dog hunts, sometimes in confined areas where the coyote has little chance of survival. The DNR wants nuisance coyotes euthanized and not sent to other locations or other states. Indiana has one dog running facility. He indicated that most states discourage importation of wild animals. The International Fish and Wildlife Association does not support the movement of wild animals across states. States that allow dog pens require fair chase principles wherein the released animal is not confined and has a fair chance to survive. Some states have penalties if the dogs catch the pursued animal. Most states are trying to eliminate the practice. There is no paper trail outside of coyote hunting season on coyotes that are transported out of state. Ongoing investigations indicate that many coyotes sent out of state have no health certificates. The practice creates enforcement problems as well as ethical concerns. (See Exhibit 1.)

Rep. Bischoff read an article from a local newspaper pertaining to a coyote attack on a woman's dog. The woman was bitten in the attack.

Chris Gambill, a trapper, explained that trappers want to make money and need an incentive to trap coyotes. Live coyotes are more profitable.

Tim Rose, Indiana Fur Takers of America, wanted legislation to allow trappers to capture and sell coyotes any time of the year.

Robert Alundt, veterinarian, indicated that some states allow importation of coyotes if a veterinarian has examined the animal and provided a health certificate. If a state does not want coyotes to be imported, the state should make such importation illegal. Live coyotes can be sold for \$200 each. Arkansas is his main customer. "Take" is not clearly defined in statute. DNR conservation officers will arrest trappers who take coyotes live.

Bill Crum, Director of the Indiana State Trappers Association, explained that a trapping license and a nuisance license have different requirements.

Tim Julien, National Wildlife Control Operators Association, wants a fur-trapping public season in the winter and a private property season year round. He argued for keeping the regulation of nuisance and trapping licenses separate.

CeAnn Lambert, Indiana Coyote Rescue Center (ICRC), explained that she has trained under Dr. Eric Klinghammer who is an expert on coyote behavior. CeAnn is also an expert. The ICRC oversees the rehabilitation of injured coyotes. She noted that it is inhumane to sell coyotes to dog run parks. She described the coyote's behavior during the course of a dog run kill. Often coyotes that are trapped are confined in cramped, small cages where they might not be able to stand or move around. After being kept in these cages, it is difficult for the coyote to run when it is released. The coyote ends up being killed by the dogs in a manner that is worse than what

happens in dog-fighting activities that Michael Vick is accused of conducting. She noted that the State Board of Animal Health does not recognize vaccines for wild animals.

Saul Limke, farmer, supported the hunting of coyotes but opposed selling coyotes to dog runners. If the state condones such inhumane practices, the image of the state could suffer. Outside businesses that may want to relocate in Indiana may see the state as backward due to its participation in such barbaric practices.

Todd Sellers, Fur Takers of America, reviewed statute with respect to coyote trapping. (See Exhibit 2.) He noted that dog runs are used to train dogs.

Sen. Lewis noted that the DNR has general rule-making authority to adopt rules pertaining to hunting. He did not think that open season on coyotes was intended to get coyotes out of the DNR jurisdiction.

John Davis, DNR Deputy Director, explained that the DNR understands that rules can not supercede the Indiana code, but that rules are used to clarify statute or implement the statute. He indicated that the DNR will continue its dialogue with the public with respect to the regulation of coyotes.

Great Lakes Compact. Ron McAhrn, DNR Deputy Director, provided an overview of the Great Lakes Compact. (See Exhibit 3.) He noted that Minnesota and Illinois have already adopted the compact. The compact establishes conservation and efficiency goals. The compact allows for voluntary efficiency measures for existing withdrawals. New permits would require a conservation plan as part of the permit process.

Impact of Invasive Species. Ellen Jacquart, The Nature Conservancy (TNC), explained the importance of prevention of the introduction of invasive species. Quick identification and response is crucial.

Keith Ruple, Vigo County Parks Department, described problems and prevention measures taken to eliminate or reduce the invasive honeysuckle bush. He noted that the plant poisons the soil and needs to be controlled while the plant is still young. If not, costs to control could be as high as \$300 per acre. The plant came to the U.S. in 1892 and has three different varieties that are invasive. Less than 10% of people who have timber manage their woods.

Ray Moistner, Indiana Hardwood Lumbermen's Association, suggested that the state forester be on the Invasive Species Task Force.

Lynn Dennis, TNC, provided the committee with a list of potential members of the Invasive Species Task Force. (See Exhibit 4.)

Best Management Practices (BMPs). John Seifert, State Forester, noted that Indiana has had a voluntary program since 1998. BMPs help prevent erosion control and soil compaction. BMPs certify that environmental practices are being met. BMPs are minimum requirements used to protect air and water quality as well as wildlife habitat. Certification assures the public that the surrounding environment is not degraded and that wildlife species of concern are not endangered when the trees are logged.

Mr. Moistner explained that in 2006, Rep Denbo introduced a bill to require BMPs. The proposal, however, needed some adjustments. Concerns included that the voluntary program is working; regulation is geared toward the actions of "bad actors"; personal property rights could be affected if language in the bill is not worded correctly; expensive training for loggers which could be ameliorated if DNR provided the training; and some loggers already practice BMPs.

(See Exhibit 5.)

Phillip Gramelbacher, President, Indiana Forestry and Woodland Owners Association, and Jasper Desk, explained that the wood industry is currently facing the “green” issue, whereby certain purchasers require certification that the lumber is harvested in a manner that is friendly to the environment. He stated that his organization would like to continue to work with the proposal. His association encourages the state to be a leader in sustainable woods and environmentally processed wood. He believes that the bill can be a workable solution to meet individual needs. (See Exhibit 6.)

Tom Tremain, Woodland Foresters Association, wanted to increase the value of Indiana’s product with the use of BMPs. BMPs increase forest diversity, results in better water quality, and other environmental features. BMPs require a random inspection program and regulated pesticide use. Training requirements could be phased in. Harvesting by private property owners could be exempt. BMPs assure a level playing field. Legislation is necessary and positive in order to assure a sustainable practice.

Sam Bond, C.S. Bond Forest Management, suggested that when BMPs are employed, value is added to the economy and a better stand of trees is left for the next harvest. Poor logging practices damage the current harvest as well as future harvests. The industry also loses. Value is gained when loggers are properly trained. Training includes ways to increase production as well as save water quality. Trained professionals also have better safety records. There are fewer and fewer trained loggers in the state. (See Exhibit 7.)

Robert Kennig, citizen, noted that logging has never caused more than 4% of the water pollution problems in the state. He opposed the proposal, citing that landowners will lose money.

Bruce Wakeland, forestry consultant, argued that BMPs would increase costs. Continuing education is needed for some professionals. (See Exhibit 8.)

Leroy Patton, Kron Lumber Company, explained that certification cost his company \$20,000 annually. The small logger would be hurt the most financially by BMPs. He suggested that the state offer a tax credit for becoming a master logger as an incentive.

Bill Carey, farmer, objected to training requirements for owners of private property who cut down some of their own trees.

Kebe Sheets, farmer, noted that there was no federal mandate and that big companies would benefit more than smaller ones.

Dan Shaver, TNC, explained that every state with a forestry program has BMPs; however, the practices are not followed as well as loggers might suggest. BMP loggers are at a disadvantage. The concern from foresters is that BMPs are difficult to enforce. BMPs protect landowners and water quality. The decrease in the amount of sediment that results from the use of BMPs is critical to protect the viability of the water. Logging is a source of pollution that can be controlled. Requiring BMPs on timber sales will decrease non-point source pollution. Landowners would have a cost but also a benefit from future timber sales that could result from the better care of the forest. (See Exhibit 9.)

Troy Law, logger, noted that Kentucky BMPs laws are not effective.

Lynn Andrews, Indiana Society of American Foresters, provided a position statement from the organization. (See Exhibit 10.)

Joe Schuerman, consulting forester, suggested that BMPs will result in a lower price for timber for landowners, drive consultants for small logging operations out of business, and add another layer of bureaucracy.

Gabe Blevins, a logger with a small logging operation, did not believe that the costs associated with BMPs were significant and noted that the industry is moving toward “green” lumber. He supported the proposal.

Aaron Wilhoit, Indiana Forest Industry Council (IFIC), indicated that the IFIC supports training and continuing education. The proposal does not intend to require a landowner to be trained and certified. The wording of the proposal may need to be clarified. Being “green certified” may not bring a profit, but it may be the cost of doing business. BMPs could insure that Indiana has a timber industry in the future.

Recess. The Chair recessed the committee at approximately 6:20 p.m. to be reconvened at 9:00 a.m. on October 4.

Reconvened. The Chair reconvened the committee at approximately 9:00 a.m.

Ownership of Exotic Animals. Ann Sterling, Indiana State Director of the Humane Society of the United States, stated that Indiana has limited regulations, requiring a permit for Class 3 animals, which include exotic cats, bears, wolves, venomous snakes, and crocodilians over 5 feet long. For many other wild animals, such as non-human primates, there is no statewide prohibition. Private ownership of wild animals threatens public health and safety as well as the health and safety of the animal. Some escape. First responders are at risk. Exotic animals can spread disease. The animals suffer in the exotic pet trade. Many animals are often released when they grow too large. Ten Indiana municipalities prohibit the ownership of exotic animals as pets. She recommends that the list of animals under a Class 3 permit be expanded with a prohibition against the acquisition of new exotic animals. The U.S. Department of Agriculture regulates people who exhibit animals for commercial purposes. People with a USDA license are exempt from having to acquire a state permit. In Indiana, 71 people have a Class 3 permit. The permit does not allow the person to breed or exhibit the animal. Ohio does not require a license for big cats. Michigan and Kentucky put restrictions on USDA permit holders. At least 25 states prohibit keeping certain dangerous wild animals as pets. (See Exhibit 11.)

Don Elroy, Director of Wildlife Advocacy, Humane Society of the U.S., stated that a permit system offers limited protection for the animals and public. Owners rarely know how to take care physiologically and psychologically of wild animals. Escaped animals are often killed. The USDA license only covers mammals, which excludes birds and reptiles. The federal government has a limited number of inspectors that rarely visit a facility more than once a year, unless there are complaints or prior violations. Tennessee does not exempt USDA license holders from state permits. People are attacked by these animals. They are not tamed animals. Disease can be an issue in exotic animals. Monkey pox and salmonella are recent occurrences. At least 25 states prohibit private ownership of large cats. Twenty states regulate ownership of primates. He recommends the prohibition of private ownership of exotic animals with a grandfather clause. He also recommends the prohibition of all breeding or acquiring of new animals.

Ryan Hoff, DNR Legislative Liaison, indicated that the DNR would like to see dual permitting of certain animals, adding state requirements to the federal license. The DNR can add animals to the Class 3 permit list by rule.

Rep. Bischoff asked the staff of the Legislative Services Agency (LSA) to draft dual permit authorization for the DNR.

Fishing and Hunting Opportunities at Big Oak. Mr. Hoff explained that Big Oak is a federal property and that Indiana would not be able to expand fishing and hunting opportunities at Big Oak because it is not regulated by the state. Many areas in Big Oak have unexploded ordnance.

Epizootic Hemorrhagic Disease (EHD) in the Deer Population. Jack Steward, DNR Deer Biologist, described the prevalence of EHD in deer. (See Exhibit 12.) The disease was discovered in Michigan and New Jersey in 1955. However, there were reports in 1890 of deer deaths with similar symptoms. Deer exhibit symptoms of the disease within 7 to 10 days of being bitten by an infected *Culicoides* biting fly or gnat. Symptoms include excessive salivation, loss of fear, and sores in the mouth which are caused by hemorrhaging. Seventy-two hours after symptoms appear, a deer may die. The gnat that causes the disease dies in the winter in the North. EHD is found in deer in the South year round. Deer in the South have developed some immunity to the disease. Due to drought conditions, deer and gnats are more densely populated around limited water sources. EHD is a spotty disease in that it can exhibit high and low concentration in the same county. Not many studies have been conducted on the disease because of the time frame between when the deer exhibits symptoms and subsequently dies. A study conducted in Missouri found a 6-16% reduction in the deer herd in affected areas. A West Virginia study found a 20% reduction in the herd. Southern Indiana has a higher population of deer than northern Indiana. There is no evidence that EHD can be transmitted to humans either through the fly or through the deer or the consumption of deer meat. The virus breaks down quickly after the deer dies.

Update on the Captive Deer Lawsuit. Adam Warnke, DNR Chief Legal Counsel, explained that in 2005 a DNR rule proposed to clarify that captive deer hunting was illegal. A lawsuit was filed. An injunction was given in 2006 to the operator. There have been settlement discussions. The next hearing will be November 7.

Entry Fees at State Parks. John Bergman, Assistant Director for Operations, DNR Division of State Parks and Reservoirs, stated that \$6.2 M was collected in 2006 from entry fees. This year fees are up 7%. Fees last changed in 2006. (See Exhibits 13 and 14.)

Rehabilitation Tax Credit. Jeff Papa, Historic Landmarks Foundation, introduced Bill Sheldrake, Policy Analytics, who reported that a study pertaining to the commercial tax credit will be complete in about 10 days. Twenty-eight states have tax credits for rehabilitation of historic properties, including Indiana. Indiana has a yearly cap. The yearly cap has resulted in a backlog of projects that have applied to receive the credit. An application approved today may not receive the credit until 2018. The study will examine the economic costs and benefits of the program. (See Exhibit 15.)

Fairfield Ramp at Brookville Reservoir. Bob Felix, Property Manager, explained that the ramp was installed in 1974. The ramp is located on the east side of the lake. Since 1999, three fatalities have occurred at the ramp. In 1999, three people drove into the lake. One person drowned. The individuals were found to be impaired. In 2006 a man staying at the Sagamore Resort drove into the lake at around 10:00 p.m. and drowned. In 2007, two boys from Centerville were returning from Oxford, Ohio, to Centerville. They headed south on State Road 101, got on Old SR 101, and ended up driving off the ramp. One drowned.

Tom Holman, DNR Engineer, met with families of the deceased, law enforcement, INDOT, and others to come up with a recommendation to fix the problem. (See Exhibit 16.) Signs with yellow flashing lights have been installed; warning signs had been installed; rumble strips, speed limit signs, stop signs and additional lighting have also been installed. The ramp has an 8-foot drop that goes to a 30-40 feet drop quickly. In addition to the above, the DNR plans to add a hard left turn into the ramp area with appropriate signs at a cost of \$75,000.

Mr. Davis noted that the county commissioners rejected a request to rename Old SR 101.

Adjournment. There being no further business to come before the committee, the Chair adjourned the meeting at approximately 11:45 a.m.